

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**JAMES ROBERT BROOKS,** : **CIVIL ACTION**  
Petitioner.

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DAVID DIGUGLIELMO, et al. : NO. 09-2885  
Respondents. : :

## ORDER

AND NOW, this 10 day of Aug., 2009, upon careful and independent consideration of the petition for Writ of *Habeas Corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Lynne A. SitarSKI, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for Writ of *Habeas Corpus* is DISMISSED without prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

C. DARNELL JONES, J. J.